

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<b>EDDIE JEROME MILLS,</b>	:	<b>Civil No. 1:18-cv-2368</b>
	:	
<b>Petitioner,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>DAVID J. EBBERT,</b>	:	
	:	
<b>Respondent.</b>	:	<b>Judge Sylvia H. Rambo</b>

**O R D E R**

Before the court is a report and recommendation of the magistrate judge (Doc. 19) in which he recommends that Petitioner Eddie Mills' Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (Doc. 1) be dismissed without prejudice. Objections were due by December 30, 2019, and to date no objections have been filed.

In considering whether to adopt a report and recommendation when no objections have been filed, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (explaining that judges should review dispositive legal issues raised by the report for clear error). Following an independent review of the record, the court is satisfied

that the report and recommendation contains no clear error and will therefore adopt the recommendation. Accordingly, **IT IS HEREBY ORDERED AS FOLLOWS:**

- 1) The report and recommendation of the magistrate judge (Doc. 19) is **ADOPTED**;
- 2) The Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED WITHOUT PREJUDICE** to Petitioner's right to pursue his claim in a properly filed civil rights action in accordance with the recommendation; and
- 3) The Clerk of Court is **DIRECTED** to close this case.

s/Sylvia H. Rambo  
Sylvia H. Rambo  
United States District Judge